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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,959	04/04/2002	Bernhard Walke	PHDE000238	1142
7590	09/22/2004		EXAMINER	
Corporate Patent Counsel Philips Electronics North America Corporation Tarrytown, NY 10591			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2683	
			DATE MAILED: 09/22/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

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OCT 26 2004

Technology Center 2600

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/089,959	WALKE ET AL.
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 June 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/18/02.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ala-Laurila et al. (6,587,680).

Regarding claims 1, 10-11, Ala-Laurila discloses a communication system comprising stations which operate in accordance with a first radio interface standard and/or a second radio interface standard, a control station being provided which controls the alternate use of the frequency band (see fig.1, elements 12, 14, 28, col.6, lines 26-40 and its description).

Regarding claims 2-9, Ala-Laurila further discloses in that the control station controls the access to the frequency band for stations working in accordance with the first radio interface standard and in that the control station renders the frequency band available for access by the stations working in accordance with the second radio interface standard if stations working in accordance with the first radio interface standard do not request access to the frequency band (see fig.1, element 22, col.7, lines 31-45 and its description).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Examiner  
Art Unit 2683

TCU  
Sept. 17, 2004.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		10/089,959	WALKE ET AL.	
		Examiner	Art Unit	Page 1 of 1
		CongVan Tran	2683	

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,501,741	12-2002	Mikkonen et al.	370/310
	B	US-6,587,680	07-2003	Ala-Laurila et al.	455/411
	C	US-6,052,594	04-2000	Chuang et al.	455/450
	D	US-6,580,700	06-2003	Pinard et al.	370/332
	E	US-6,377,782	04-2002	Bishop et al.	455/3.01
	F	US-6,792,286	09-2004	Bharath et al.	455/554.2
	G	US-6,728,244	04-2004	Takabatake, Yoshiaki	370/392
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

JUL 1 8 2002

Sheet 1 of 1Form PTO-1449  
COMMERCE  
(REV. 7-80)U.S. DEPARTMENT OF  
PATENT & TRADEMARK OFFICE  
PATENT AND TRADEMARK OFFICEAtty. Docket No.  
PHDE 000238Serial No.  
10/089,959INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)Applicant  
BERNHARD WALKE ET ALFiling Date  
APRIL 4, 2002Group  
2681

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## U.S. PATENT DOCUMENTS

Ex. Int		Document Number							Date	Name	Class	Sub- class	Filing Date If Approp.
<i>a</i>	AA	5	7	1	0	7	6	6	12/1995	SCHWENDEMAN	370	329	
	AB												
	AC												
	AD												
	AE												
	AF												

## FOREIGN PATENT DOCUMENTS

		Document Number										Date	Country	Class	Sub- class	Trans.	
																Yes	No
<i>a</i>	AG	W	0	9	9	2	3	7	9	0	10/1998	PCT (WORLD)	H04L	12/28		X	
<i>a</i>	AH	1	1	1	9	1	3	7	A	1	01/2000	EUROPE	H04L	12/28		X	
	AI																
	AJ																
	AK																

## OTHER (Including Author, Title, Date, Pertinent Pages, Etc.)

AL			
AM			
AN			

Examiner	<i>Clara</i>	Date Considered	9/16/04
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.			